

New Claims

Claims 23-24 have been added by this amendment. Claims 23-24 are of a slightly different scope than the previously pending claims. However, in view of Woodhill et al, claims 23-24 are believed to be allowable.

In contrast to Woodhill et al, claim 23 is directed toward a method that requires "transmitting uncompressed data from the primary storage device to the backup storage device during a backup window period; compressing the data during an idle period when uncompressed data is not being transmitted to the backup storage device; and restoring the compressed data on the backup storage device." These steps are not taught or suggested by Woodhill et al. Thus, a rejection of claim 23 would not be supported by the cited reference. Because claim 24 depends directly or indirectly from claim 23, a rejection of claim 23 would also not be supported by Woodhill et al.

Conclusion

In conclusion, the Applicant respectfully asserts that claims 1-24 are allowable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-672-0454 for any reason that would advance the instant application to issue.

Dated this the 9th day of September, 2004.

Respectfully submitted,



JAMES P. BRODER
Attorney for Applicant
Registration No. 43,514

THE LAW OFFICE OF STEVEN G. ROEDER
5560 Chelsea Avenue
La Jolla, California 92037
Telephone: (858) 672-0454